

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

★ AUG 08 2007 ★

BROOKLYN OFFICE

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JORGE GORIS,

Petitioner,

MEMORANDUM AND ORDER

07-CV-3144 (NGG) ✓

-against-

DIRECTOR OF THE I.N.S.,

Respondent.

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GARAUFIS, United States District Judge.

Petitioner Jorge Goris ("Goris" or "Petitioner") brings this petition *pro se* for a writ of habeas corpus pursuant to 28 U.S.C. § 2241.¹ Petitioner's claims stem from deportation proceedings held at Ulster Correctional Facility in Ulster County, New York, which is in the Northern District of New York. See 28 U.S.C. § 112(a). Consequently, the United States District Court for the Eastern District of New York is not the appropriate court in which to file this action. See Local Civil Rule 83.3. If an action is filed in the wrong district court, a court "shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." 28 U.S.C. § 1406(a). See also 28 U.S.C. § 2241(d).

Accordingly, in the interest of justice, the Clerk of Court is hereby directed to transfer this case to the United States District Court for the Northern District of New York. See 28 U.S.C. § 112(a); 1406(a).

¹ On July 16, 2007, petitioner filed a *pro se* writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the validity of his 2004 New York County Supreme Court conviction. See People v. Goris, 37 A.D.3d 204 (1st Dept. 2007). By Order dated July 31, 2007, the court transferred the petition to the United States District Court for Southern District of New York. See Goris v. Payant, 07-CV-2914 (NGG).

The court offers no opinion on the merits of the petition. Rule 83.1 of the Local Rules of the Eastern District of New York, which requires the Clerk of Court to delay the transfer for five days, is waived.

SO ORDERED.

/signed/

NICHOLAS G. GARAUFIS
United States District Judge

Dated: Brooklyn, New York
August 6, 2007